

Attorney(s) MOLOD SPITZ & DeSANTIS, P.C.
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Attorney(s) for Plaintiff Only Lari and Yossi Lari

**Superior Court of
New Jersey**

MONMOUTH COUNTY
LAW DIVISION

Docket No: 000844-22

ORLY LARI and YOSSE LARI

Plaintiff(s)

Vs.

LIFE TIME FITNESS, INC. d/b/a LIFE TIME

Defendant(s)

**CIVIL ACTION
SUMMONS**

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: March 24, 2022

Michelle M. Smith

Michelle M. Smith
Clerk of the Superior Court

Name of Defendant to Be Served: LIFE TIME FITNESS, INC.

Address of Defendant to Be Served: 4 Fernwood Rd. Florham Park, NJ 07932

NOTE: The Case Information Statement is available at <http://www.njcourtsonline.com>

**DIRECTORY OF SUPERIOR COURT DEPUTY CLERK'S OFFICES
COUNTY LAWYER REFERRAL AND LEGAL SERVICES OFFICES**

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601

LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(800) 496-4570

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
Hall of Justice
1st Fl., Suite 150
101 South 5th Street
Camden, NJ 08103

LAWYER REFERRAL
(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Cape May Court House, NJ 08210

LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street
P.O. Box 10
Bridgeton, NJ 08302

LAWYER REFERRAL
(856) 692-6207
LEGAL SERVICES
(856) 451-0003

ESSEX COUNTY:

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102

LAWYER REFERRAL
(973) 622-6204
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street
Woodbury, NJ 08096

LAWYER REFERRAL

(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House--1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL

(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

LAWYER REFERRAL

(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL

(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court,
Middlesex Vicinage
2nd Floor - Tower
56 Paterson Street, P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL

(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL

(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY:

Morris County Courthouse
Civil Division
Washington and Court Streets
P. O. Box 910
Morristown, NJ 07963-0910

LAWYER REFERRAL

(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY:

Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2191
Toms River, NJ 08754-2191

LAWYER REFERRAL

(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07505

LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 523-2900

SALEM COUNTY:

Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
92 Market Street
Salem, NJ 08079

LAWYER REFERRAL
(856) 678-8363
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division
P.O. Box 3000
40 North Bridge Street
Somerville, N.J. 08876

LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(908) 475-2010

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Attorneys for Plaintiffs
Orly Lari and Yossi Lari

ORLY LARI and YOSSİ LARI,

Plaintiffs,

v.

LIFE TIME FITNESS, INC. d/b/a LIFE TIME,

Defendant.

SUPERIOR COURT OF THE STATE
OF NEW JERSEY

LAW DIVISION: MONMOUTH
COUNTY

DOCKET NO.:

**COMPLAINT, JURY DEMAND,
DESIGNATION OF TRIAL
COUNSEL AND DEMAND FOR
DISCOVERY**

Plaintiffs, ORLY LARI and YOSSİ LARI, by their undersigned attorneys, MOLOD SPITZ & DeSANTIS, P.C., as and for their Complaint against Defendant, LIFE TIME FITNESS, INC. d/b/a LIFE TIME, allege and state, upon information and belief, as follows:

FACTS COMMON TO ALL CAUSES OF ACTION

1. At all times relevant, Plaintiff Orly Lari, was and still is a resident of Livingston, NJ.
2. At all times relevant, Plaintiff Yossi Lari, was and still is a resident of Livingston, NJ.
3. At all times relevant, Plaintiffs were and still are lawfully married and residing together in Livingston, NJ.
4. At all times relevant, Defendant, LIFE TIME FITNESS, INC. d/b/a LIFE TIME, was and still is a foreign corporation with its executive office located at 2902 Corporate Place,

Chanhassen, MN 55317, and being licensed to do business in the State of New Jersey, with a facility located at 14 Fernwood Rd, Florham Park, NJ 07932 (“Life Time”).

5. Life Time’s registered agent for service of process in New Jersey is Cogency Global Inc. 14 Scenic Drive Dayton, NJ 08810.
6. At all times relevant, Life Time has been and still is substantially doing business in New Jersey, and that it derives substantial revenue therefrom.
7. At all times relevant, Life Time has been and still is in the business of physical fitness, and that it has and still does own, lease, control, manage, maintain, and supervise the “health club, gym and fitness facility” located at 14 Fernwood Rd, Florham Park, NJ 07932 (“Life Time/Florham Park”).
8. At all times relevant, Plaintiff Orly Lari was a member in good standing of Life Time/Florham Park.
9. At all times relevant, Life Time/Florham Park offered stationary-cycling a/k/a spin classes to its members, including Plaintiff, Orly Lari.
10. At all times relevant, Life Time employed spin class instructors.
11. At all times relevant, Life Time/Florham Park employed spin class instructors.
12. At all times relevant, Life Time/Florham Park offered certain spin classes to all levels, without restriction as to experience or ability.
13. On or about 1/23/2022, Plaintiff Orly Lari reserved her attendance, and did attend, an all-level spin class at Life Time/Florham Park.
14. At all times relevant, ab initio, Plaintiff Orly Lari could not set or adjust the left pedal, and the assigned, by Life Time, spin class instructor came over to her, undertaking to place, set and/or adjust the aforesaid pedal; albeit in an improper and unsafe manner.

15. At all times relevant, the spin class instructor aforementioned was acting in the course and scope of her employment with Life Time and/or Life Time/Florham Park.
16. During the subject spin class, solely as a result of the negligence, gross negligence and recklessness of the Defendant and its agents/servants/employees, the said Plaintiff's left pedal and her foot became loose, resulting in slipping/twisting of her ankle and landing on her left heel, solely as a result thereof.
17. There was no negligence on the part of the Plaintiff Orly Lari.

FIRST COUNT

18. At all times relevant, the Defendant and its agents/servants/employees, were negligent, grossly negligent and reckless in failing to properly provide instructions to beginners such as plaintiff; in failing to properly warn plaintiff of the dangers in spin-class; in failing to properly maintain the equipment used by the plaintiff; including pedals, pedal components and pedal assemblies; in failing to properly secure and adjust the subject pedal; in failing to properly secure and adjust the plaintiff's foot in the pedal; in failing to monitor the plaintiff as class progressed.
19. As a direct and proximate result of the negligence, gross negligence and/or recklessness of the Defendant and its agents/servants/employees, the Plaintiff Orly Lari was caused to sustain injuries, including but not limited to a fracture of her left calcaneus, was caused to be inflicted with physical and permanent bodily injury, along with extreme conscious pain and suffering.
20. The Defendant is liable to the Plaintiff Orly Lari for its negligence, gross negligence and/or recklessness.

WHEREFORE, Plaintiffs demand judgment against the Defendant, LIFE TIME FITNESS, INC., for such damages as would reasonably and properly compensate them in

accordance with the laws of the State of New Jersey, together with punitive damages, interest and costs of suit.

SECOND COUNT

21. Plaintiffs repeat and re-allege paragraphs 1. – 20. as if fully set forth herein.
22. At all times relevant, Defendant had a duty to properly hire, retain, orientate, educate, teach, monitor and supervise its spin class instructors for the reasonable and proper protection of the health and welfare of patrons, and the Plaintiff Orly Lari.
23. At all times relevant, Defendant was negligent, grossly negligent and/or reckless in the hiring, retaining, orientating, educating, teaching, monitoring and supervision of its spin class instructors and the particular spin class instructor for the subject spin class 1/23/2022.
24. As a direct and proximate result of the negligence, gross negligence and/or recklessness of the Defendant and its agents/servants/employees, in the hiring, retaining, orientating, educating, teaching, monitoring and supervision of its spin class instructors and the particular spin class instructor for the subject spin class, the Plaintiff Orly Lari was caused to sustain injuries, including but not limited to a fracture of her left calcaneus, was caused to be inflicted with physical and permanent bodily injury, along with extreme conscious pain and suffering.
25. The Defendant is liable to the Plaintiff Orly Lari for its negligence, gross negligence and/or recklessness.

WHEREFORE, Plaintiffs demand judgment against the Defendant, LIFE TIME FITNESS, INC., for such damages as would reasonably and properly compensate them in accordance with the laws of the State of New Jersey, together with punitive damages, interest and costs of suit.

THIRD COUNT

26. Plaintiffs repeat and re-allege paragraphs 1. – 25. as if fully set forth herein.
27. At all times relevant, Plaintiff Yossi Lari was the lawful spouse of the Plaintiff Orly Lari, and that Plaintiff Yossi Lari has standing to bring a claim for the loss of services of Plaintiff Orly Lari as a result of the Defendant's negligence, gross negligence and/or recklessness, which caused injuries, pain and suffering to Plaintiff Orly Lari, as aforementioned.
28. As a result of Defendant's, and its agents/servants/employees, aforesaid tortious conduct and the resulting injuries to Plaintiff Orly Lari, the Plaintiff Yossi Lari has been damaged and will continue to be damaged in the future, having been deprived of the services and support of his spouse, Plaintiff Orly Lari.

WHEREFORE, Plaintiffs demand judgment against the Defendant, LIFE TIME FITNESS, INC., for such Damages as would reasonably and properly compensate them in accordance with the laws of the State of New Jersey, together with punitive damages, interest and costs of suit.

JURY DEMAND

The Plaintiffs hereby demands a trial by jury as to all issues of the within matter.

DISCOVERY DEMAND

The Plaintiffs hereby demand from the Defendant, Answers to Uniform Interrogatories Form "C," and "C(2)" pursuant to R. 4:17-1(b)(2).

DESIGNATION OF TRIAL COUNSEL

Andrew Small, Esq, is hereby designated as Plaintiff's Trial Counsel in this matter.

CERTIFICATION

The matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding and no other action or arbitration proceeding is contemplated.



Andrew Small, Esq.
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March 24, 2022

Civil Case Information Statement

Case Details: MONMOUTH | Civil Part Docket# L-000844-22

Case Caption: LARI ORLY VS LIFE TIME FITNESS, I NC.

Case Initiation Date: 03/24/2022

Attorney Name: ANDREW BRUCE SMALL

Firm Name: MOLOD SPITZ & DESANTIS PC

Address: 35 JOURNAL SQ STE 1005

JERSEY CITY NJ 07306

Phone: 2017955400

Name of Party: PLAINTIFF : LARI, ORLY

Name of Defendant's Primary Insurance Company

(if known): None

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Are sexual abuse claims alleged by: ORLY LARI? NO

Are sexual abuse claims alleged by: YOSSI LARI? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

03/24/2022

Dated

/s/ ANDREW BRUCE SMALL

Signed

